

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA      )  
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                                    )  
v.                                 )    Mag. Dkt. No. 05-823 (Chief Mag. Bowler)  
                                    )  
TOCAYO LNU                    )  
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                                    )

**DEFENDANT'S MOTION FOR FUNDS TO RETAIN INVESTIGATOR**

The defendant respectfully moves the court to allocate funds up to the amount of \$1,500 to enable the defendant to retain a private investigator. As grounds therefore, defendant states:

1. The defendant contests the Government's assertion that he is the defendant "Tocayo LNU" indicted in the Central District of California action, CR04-1239 (A).
2. The defendant requires an investigator, either Spanish-speaking or accompanied by an interpreter, to contact a number of individuals who may be able to confirm that the defendant has lived in Massachusetts continuously throughout 2004 to date. None of these individuals speak English. In many instances, the defendant knows an address, but not a phone number, and it is necessary to send an investigator to the address.
3. The defendant wishes to retain Empirical Investigations, Inc. The lead investigator of this firm is Emmett F. X. Sheehan, Mass. Private Detective License P-721. Mr. Sheehan has worked on numerous criminal and civil cases in Massachusetts in multiple jurisdictions. He currently is appointed to assist defendants in United States v. Paul Decologero (Saris, J.) and United States v. Brandon Morris (Gertner, J.). In both of these cases a rate of \$75/hour was approved by the Court.

4. Mr. Sheehan would work on this matter with an associate employed in his office fluent in Spanish, Adams Bezerra. Mr. Bezerra is a former police officer assigned to tourist protection in Rio de Janeiro, Brazil. Whether Mr. Bezerra would contact witnesses independently or with Mr. Sheehan, the billing rate will not exceed \$75/hour for both of them together.
5. Counsel anticipates that this investigation could take as much as 20 hours and therefore seeks funds up to the amount of \$1,500.

#### CONCLUSION

For these reasons, the Court should allocate funds in an amount up to \$1,500 to permit the defendant to retain an investigator.

Dated: May 12, 2005

Tocayo LNU  
By his Attorney,

/s/ Keith S. Halpern

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